

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: MARK ANDREW STONE and	:	CHAPTER 13
MEGAN THERESA STONE	:	
Debtor(s)	:	
	:	
CHARLES J. DEHART, III	:	
STANDING CHAPTER 13 TRUSTEE	:	
	:	
vs.	:	
	:	
MARK ANDREW STONE and	:	
MEGAN THERESA STONE	:	
Respondent(s)	:	CASE NO. 5-17-bk-01661

TRUSTEE'S AMENDED OBJECTION TO CHAPTER 13 PLAN

AND NOW, this 30th day of June, 2017, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, and objects to the confirmation of the above-referenced debtor(s)' plan for the following reason(s):

1. The Trustee provides notice to the Court as to the ineffectiveness of debtor(s) Chapter 13 Plan for the following reasons:

- a. Other plan provisions specifically, Section 8.A.(1)b. Specifically, Section 8.A(5) whereby through plan confirmation, this provision creates a new type of administrative claim not provided for in the Bankruptcy Code.

2. Debtor(s)' plan violates 11 U.S.C. Sec. 1325(a)(4) in that the value of property to be distributed under the plan on account of each allowed unsecured claim is less than the amount that would be paid on such claim if the estate were liquidated under Chapter 7. More specifically, debtors' have excess non-exempt equity in the following:

- a. Injury or other claim – Unliquidated claim against FBCS, Inc.

WHEREFORE, Trustee alleges and avers that debtor(s) plan is nonconfirmable and therefore Trustee prays that this Honorable Court will:

- a. Deny confirmation of debtor(s) plan.

- b. Dismiss or convert debtor(s) case.
- c. Provide such other relief as is equitable and just.

Respectfully submitted:

Charles J. DeHart, III  
Standing Chapter 13 Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
(717) 566-6097

BY: /s/Agatha R. McHale  
Attorney for Trustee

#### CERTIFICATE OF SERVICE

AND NOW, this 30<sup>th</sup> day of June, 2017, I hereby certify that I have served the within Objection by electronically notifying parties or by depositing a true and correct copy of the same in the United States Mail at Harrisburg, Pennsylvania, postage prepaid, first class mail, addressed to the following:

Carlo Sabatini, Esquire  
216 North Blakely Street  
Dunmore, PA 18512

/s/Deborah A. Behney  
Office of Charles J. DeHart, III  
Standing Chapter 13 Trustee